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10/697,735	10/29/2003	Bradford Scott Baron	9397	7725
27752	7590 09/28/2005		EXAMINER	
	TER & GAMBLE CO	GRAVINI, STEPHEN MICHAEL		
INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161			ART UNIT	PAPER NUMBER
6110 CENTER HILL AVENUE			3749	
CINCINNAT	I. OH 45224			

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary Supher Cardwin Supher Cardwin		Application No.	Applicant(s)				
Stephen Gravini 3749		10/697,735	BARON ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exections of time may be swalled under the provisions of JCFR. 118(b), in no work, however, may reply be timely find If NO period for reply is appalled above, the manimum stabilizery period will apply and will expert SK (6) MONTH from the mailing date of the communication. Plants to reproduce by the Office later than them on this after the mailing date of the communication. Plants to reproduce by the Office later than them on this after the mailing date of the communication. Plants in the produce any evener plants time alphalarum is \$4.7 CFR 178(b). Status 1) □ Responsive to communication(s) filled on 16 June 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 o.G. 213. Disposition of Claims 4) □ Claim(s) 1-50 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) 1-50 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTC-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is ma	Office Action Summary	Examiner	Art Unit				
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S. Patent and Trademark Office	Paper No(s)/Mail Date <u>20050616 et al</u> . 6) Other:						

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-19, drawn to a subcombination apparatus, classified in class 34, subclass 595.
- Claims 20-22, drawn to a subcombination apparatus, classified in class
 subclass 600.
- III. Claims 23-27, drawn to a subcombination apparatus, classified in class 34, subclass 602.
- IV. Claims 28-29, drawn to a subcombination apparatus, classified in class34, subclass 603.
- V. Claims 30-50, drawn to a subcombination apparatus, classified in class34, subclass 606.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and groups II-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as containing the independently claimed feature of a control circuit that initiates spraying of said benefit composition, wherein said control circuit prevents said benefit composition from being sprayed when said closure structure

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sensor indicates that said closure structure is not in said closed position, which is not a limitation in any of the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group II and groups I & III-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group II has separate utility such as containing the independently claimed feature of a control circuit that initiates spraying of said benefit composition, wherein said control circuit prevents said benefit composition from being sprayed when said motion sensor indicates that said movable chamber is not in motion, which is not a limitation in any of the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group III and groups I-II & IV-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group III has separate utility such as containing the independently claimed feature of a control circuit configured to initiate a first spraying interval of said spraying event and a second spraying interval of said spraying event, such that said first spraying interval and said second spraying interval are separated in time, which is not a limitation in any of the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group IV and groups I-III & V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group IV has separate utility such as containing the independently claimed feature of

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a control circuit configured to increase a duty cycle of said pulse-width modulated variable output signal as a battery produced output voltage decreases, thereby causing a pump apparatus to provide a substantially constant volume of said benefit composition to said nozzle even though said battery has become partially discharged such that it cannot maintain its rated output voltage, which is not a limitation in any of the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group V and groups I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group V has separate utility such as containing the independently claimed feature of a control circuit that initiates spraying of said benefit composition, wherein said control circuit prevents said benefit composition from being sprayed when said at least one safety sensor indicates that a predetermined condition exists, which is not a limitation in any of the other independently claimed inventions. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because the restriction requirement is considered complex and examiner knows from past experience that an election will not be made by telephone, this restriction requirement is considered proper under MPEP 812.01.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Stephen Havnir

SMG September 19, 2005